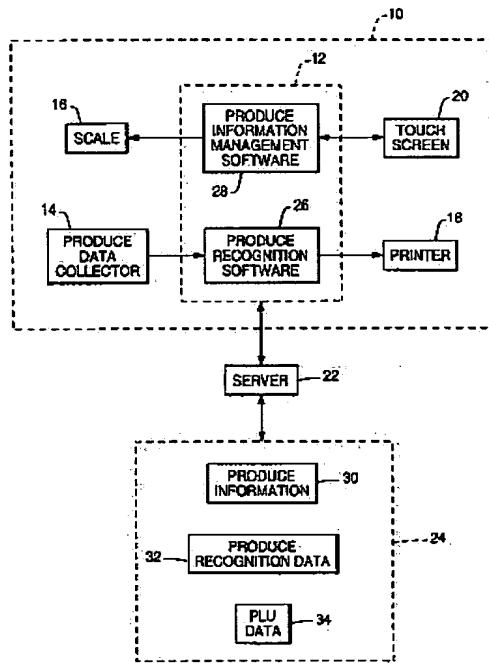


Application No. 09/698,310  
Amendment dated January 20, 2005  
Reply to Office Action of September 8, 2004

### **REMARKS/ARGUMENTS**

In the above-noted Office Action, claims 1, 2, 5-7, 11-13, 16-18, 22, 23, 26-28, and 32 were rejected under 35 U.S.C. §102(e) given Henry (U.S. Patent No. 6,530,521) (“Henry”). The remaining claims were rejected under 35 U.S.C. §103(a) given Henry in view of an Official Notice. The applicant hereby respectfully traverses these rejections and requests reconsideration.

Prior to discussing the merits of the Examiner’s position, the applicant believes it would be helpful to first briefly describe and characterize the Henry reference. Henry discloses an approach to recognizing a class of objects comprising produce items (such as vegetables) and providing information about those items. Henry’s FIG. 1 appears below for the convenience of the reader.



Henry’s produce recognition apparatus (10) operates with a produce data collector (14). The latter “collects information about a produce item [such as] color and color distribution data, size data, shape data, surface texture data, and aromatic data.”<sup>a</sup> In particular, Henry provides produce recognition software (26) that uses such data “and

<sup>a</sup> Column 2, lines 37-40.

identifies the produce item by comparing collected produce data with a library of produce recognition data 32.”<sup>b</sup> Henry then provides a display (20) where the recognition results can be displayed to a user. Since this identification process may yield uncertain results, the display “identification information may include a candidate list of possible identities ranked in order of confidence level. If so, produce information management software 28 may request that the customer verify or select a correct identity from the list.”<sup>c</sup>

Information is then provided to the user, or other actions taken as comport with the identification of the product item. For example, if the user presents a carrot, upon identifying the proffered object as being a carrot Henry’s apparatus may assess a corresponding price and/or may offer nutrition information or carrot recipes.

Henry’s teachings do not accommodate identification of objects beyond objects that share a common object class; i.e., produce. For example, Henry’s apparatus will not support presentation of objects from other classes, such as a meat class, a dairy product class, a canned goods class, a beverage class, and so forth.

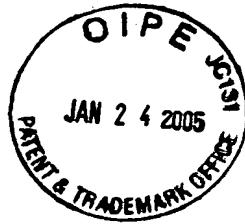
Furthermore, Henry’s optional presentation of a list of candidate objects is just that – a list of candidate objects. All of the candidate objects so presented are part of a shared object class (“produce”) and none of the candidates presented is, in and of itself, an object “class.” Instead, Henry’s objects are simply “objects” and not classes.

Such specificity, of course, well suits Henry’s limited aims. For example, in order to provide accurate pricing or nutrition information regarding a specific item of produce, it is necessary to identify that specific object itself. Merely knowing the class of the object is insufficient to such purposes, and consequently Henry must operate at the level of the object itself as versus what class of objects to which the object might belong.

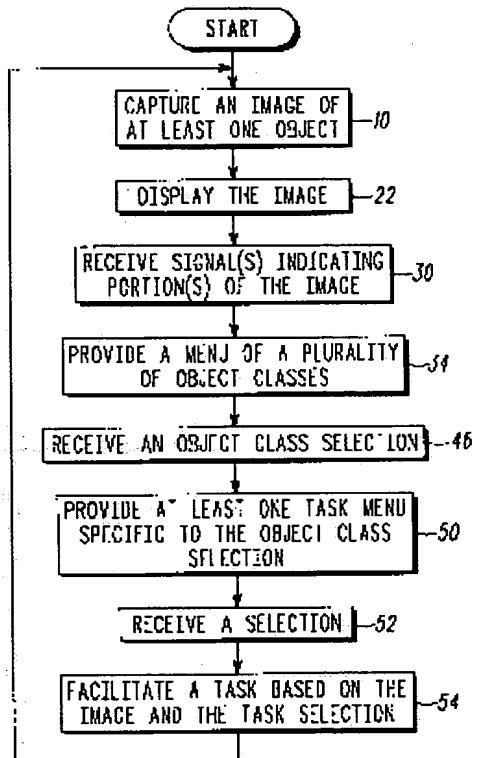
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<sup>b</sup> Column 2, lines 51-54.

<sup>c</sup> Column 5, lines 6-10.

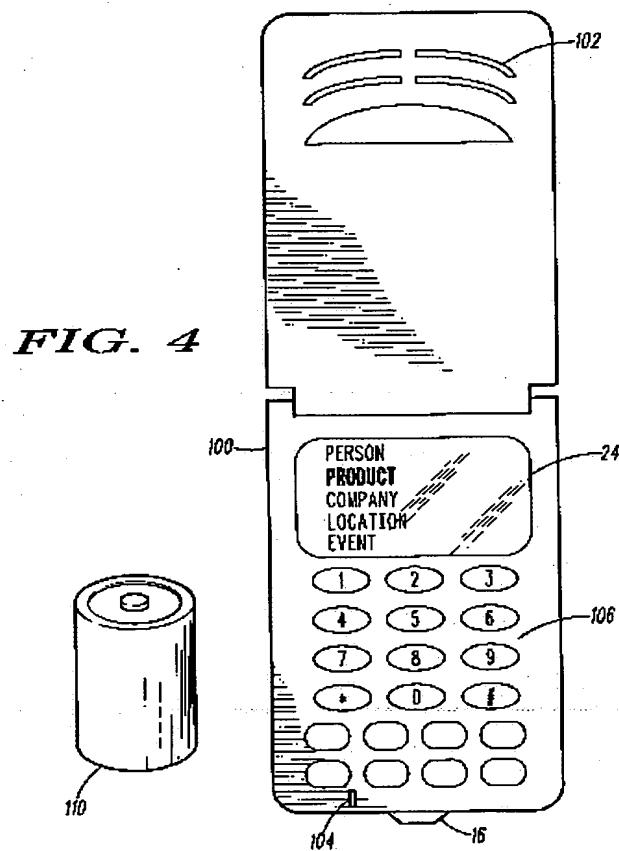


The present invention differs in numerous ways from Henry. One such difference is readily evident upon making reference to FIG. 1 of the applicant's specification (reproduced below for the convenience of the reader).



**FIG. 1**

Following capture of an object image (see step 10), the applicant teaches provision of "a menu of a plurality of object classes" (see step 34). The applicant provides an illustrative example of such a menu in FIG. 4 (again reproduced below for the convenience of the reader).



In the above illustrative example, the menu of a plurality of object classes appears in a display window (24) and comprises the object classes "person," "product," "company," "location," and "event."

Such a teaching is readily distinguished, of course, from Henry. Again, Henry makes no provision for the presentation of a plurality of object classes. Instead, Henry only provides for the optional presentation of a plurality of specific object candidates. One may suppose that Henry operates in this manner in part because Henry limits incoming data to only that which concerns a single object class (i.e., "produce") and also because Henry is vitally

Application No. 09/698,310  
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interested in identifying the object itself with great specificity and hence has little interest in or need for otherwise knowing a broader categorical class to which the object may belong.

This difference comprises a part of each of the three independent claims presented for examination. Claim 1 includes the recitation, "providing a menu of a plurality of object classes," independent claim 12 includes the recitation, a "user interface to provide a menu of a plurality of object classes," and independent claim 22 includes the recitation "providing a menu of a plurality of object classes." Since this element comprises a part of each of the independent claims, and since this element is utterly absent from Henry, Henry cannot be said to anticipate the recitations of these claims.

The applicant therefore respectfully submits that the claims are allowable over Henry and may be passed to allowance.

Respectfully submitted,

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